

**MINUTES  
TOWN OF EDGEWOOD  
REGULAR COUNCIL MEETING – MAY 6, 2009 @ 6:30 P.M.  
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

**1. CALL TO ORDER.**

Mayor Stearley called the meeting to order @ 6:30 P.M. All Councilors were present. Also present was Ms. Karen Mahalick, Community Development Manager, Ms. Estefanie Muller, Clerk-Treasurer, and Mr. Marcus Rael, Town Attorney.

**2. PLEDGE OF ALLEGIANCE.**

**3. APPROVAL OF AGENDA.**

**MOTION:** Councilor Felton made a motion to approve the Agenda as presented. Councilor Abrams seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye.  
Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**4. MATTERS FROM THE MAYOR.**

A. Appointment of an Alternate to the Planning & Zoning Commission.  
Mayor Stearley stated that the position was still open and that he had did not have any candidates to present.

B. Proclamation – Poppy Day.  
Mayor Stearley read the proclamation for the Council.

**5. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.**

Councilor Simmons presented a Plaque that was dedicated to the Town for Outstanding Innovative Partnering on the Main Street Project. This was from the Transportation & Engineering Conference 2009.

Councilor Abrams reported on a letter that he had received regarding renewable Energy from Congressman Martin Heinrich. Councilor Abrams encouraged the community to participate in the Energy Meetings.

**6. PUBLIC COMMENTS. (Limit to 2 minutes per person.).**

**Note: If you plan to testify under Public Hearings, please do not sign up for this topic.**

Ms. Linda Hill discussed the EASY Program stating that she was a strong supporter of the Program and that this would be beneficial to the community.

John Mannes stated that he lived outside of the incorporated area and expressed concern over the level of crime in the area and would like to see more marked patrolling if possible.

**7. MATTERS FROM THE ATTORNEY.**

Mr. Marcus Rael stated that he did not have anything to present this evening.

**8. MATTERS FROM THE MUNICIPAL JUDGE.**

C. Judge White will present his report for the month of April, 2009.

Judge White reviewed his report and asked if there were any questions.

Judge White discussed the budget for the court especially regarding the Attorneys fees for defendants. He added that the majority of the Court costs for equipment were and will be reimbursed by the state.

Councilor Hill stated that the Council had reviewed the Courts Budget and that they had discussed the issue of indigent defendants.

**9. KXNM RADIO STATION – Mr. Art Swanka.**

Ms. Pat Lincoln of the Torrance County Project office presented the FM Radio Task Force. She stated that she was here to ask for the support of the Council and gave a brief description of their function and timeline.

**10. E.A.S.Y. PROGRAM PRESENTATION – Mr. Roger Holden / Ms. Audrey Jaramillo.**

Mr. Roger Holden presented information regarding this program to the Council. He also updated the Council on the Y.E.S. Program as well as the Kids Safety Fair this weekend.

Mr. Audrey Jaramillo presented some of the results from the survey for the Council. She outlined some of the costs and activity requests from the interested families.

Ms. Jaramillo discussed the Shining Star program and suggested that perhaps the Town could take over the program in much the same way that it took over the Library.

Mr. Holden stated that the statistics were overwhelmingly in favor of a program of this nature.

Mayor Stearley asked about the volunteers that would staff the program.

Ms. Jaramillo stated that this was just one option for staffing and was the result of the interest of certain clubs to become involved in the program. She clarified that the \$50.00 per month fee was based on similar programs in the area.

Councilor Simmons discussed the cuts that would be affecting the Albuquerque Area programs. She added that she would support any form of structure that could be provided for the youth of the Edgewood Area.

Councilor Felton asked how many full time employees would be required.

Ms. Jaramillo responded stating that it would depend on the enrollment numbers.

Councilor Felton asked about ratios and whether this program would comply with CYFD ratio requirements.

Ms. Jaramillo stated that they would not be affiliated with CYFD but that they would try to maintain those ratios.

Councilor Felton asked about the hours and expressed a concern with the parent's ability to pick up their children by 6:00 P.M.

Ms. Jaramillo stated that she agreed and that 7:00 P.M. may be more feasible but most of the parents that filled out the survey stated that they could be there to pick up their children by 6:00 P.M.

Councilor Felton asked about the savings and how it would work organizationally, who would be the fiscal agent.

Ms. Jaramillo stated that the program management would be the Town and the manager would be a Town Employee.

Councilor Felton stated that any grants affiliated with this program would go to the Town.

Mayor Stearley stated that he was very interested in working with Shining Star or possibly purchasing their program and utilizing their CYFD standing for additional funding.

Ms. Jaramillo stated that the owner of Shining Star had expressed an interest in the Town purchasing her program and the inventory. She added that she did not know how that would work since Shining Star is a for-profit business but the owner had asked if the Town does purchase her business that her employees be considered for re-employment.

Councilor Hill stated that the deciding factor was going to be the budget.

Councilor Felton stated that he felt everyone was in agreement that this would be a beneficial program but funding is the issue.

Mayor Stearley stated that tonight's purpose was to hear the presentation and a decision would not be made this evening but that the budget would be decided at a later date.

Councilor Abrams suggested that the Committee pull together the grants over the next several months and he feels this could be the way to go.

Ms. Jaramillo responded stating that she was happy to continue to work towards the funding as long as the Town would commit to taking on the management.

Councilor Felton stated that some of the grants might not be available to a Government entity and she may not want to shut herself off to being able to apply for those grants. He added that his offer to help with the grant applications still stands.

Mr. Holden asked if there were any other departments that some of the funding could be pulled from for this program.

Mayor Stearley responded stating that all of the departments were dealing with substantial cuts to their budgets.

Ms. Jaramillo asked if the Gross Receipt Taxes increased could the Council consider those funds for this program.

Councilor Simmons stated that she really appreciated all of the energy that Ms. Jaramillo had put into this effort.

Ms. Cherie Smyle stated that this was a great program and that she supported it. She added that there are people in the community that have a lot to add to this program and she encouraged the Council to go forward with it.

**11. PUBLIC HEARINGS.**

**Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required: Continued from the Council Meeting of April 15, 2009.**

Ms. Mahalick certified that public notice of this hearing had been posted as required.

D. Amend SU-2005-14 Subdivision Ordinance preliminary plat extension process, (Section 7-B).

Ms. Mahalick asked the Council to table this item to a later meeting.

**MOTION:** Councilor Simmons made a motion to table this item to a future meeting. Councilor Abrams seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

E. Amend the Personnel Ordinance No. 2003-5 to allow for a six (6) month probationary period for certified police officers to begin on date of employment and continue thereafter. The probationary period for non-certified police officers shall begin on date of employment and continue for twelve (12) months thereafter.

Mayor Stearley reviewed this item for the Council and then called for public comment.

Mr. Chuck Ring stated that he was in support of this revision as it would help with recruitment.

**MOTION:** Councilor Simmons made a motion to amend the Personnel Ordinance as stated. Councilor Abrams seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

F. Request to amend the 2003-4 Zoning Ordinance to allow Multi-use, Rural Residential and Estates as permitted uses in the Master Plan Zone.

Ms. Mahalick reviewed this item for the Council.

Ms. Mahalick gave a brief description of the Multi-Use Zoning for Rural Residential and Estates.

Ms. Mahalick reviewed the different types Multi-Use Zoning for the Council and their purpose.

Councilor Hill asked about the mother-in law quarters and a law that was passed requiring Municipalities to provide a mechanism to allow for these quarters within their zoning.

Ms. Mahalick stated that the law pertained to attached mother-in-law quarters but that this could include detached.

Mr. Michael Giannuzzi discussed the situation in which the mother-in-law passes away and then the quarters are rented out which increases the land use. He asked if there was anything here that stated it had to be a relative.

Ms. Mahalick stated no.

Mr. Giannuzzi continued stating that a 5 acre lot could be split into 2, 2 1/2 acres and then rent it.

Ms. Mahalick stated that they could if it was zoned residential and estates and that at this time there is only one property that has this zoning.

Mr. Steve Jones asked about rural residential zoning and visual compatibility.

Ms. Mahalick responded and provided an example of visual compatibility.

Mr. Byron Atman asked what is considered a scenic feature.

Ms. Mahalick stated that a hill top is an example of a scenic feature.

Mr. Altman also asked about the choice of the language, "may not" as opposed to, "shall not".

Mr. Rael responded stating that the language, "may not", does leave a little bit of room to allow for the discretion of the Planning & Zoning Commission.

Mr. Atman asked about building placement on a tract and if this would be addressed by the Council regarding an individual project.

Ms. Mahalick stated that it would depend on circumstances of the application.

Mr. Altman read a portion of the Ordinance and then asked again about the choice of language.

Ms. Mahalick responded clarifying the intent of the portion Mr. Altman referred to.

**MOTION:** Councilor Hill made a motion to adopt the changes as stated.  
Councilor Felton seconded the motion.

**VOTE:** Councilor Abram voted aye. Councilor Felton voted aye.  
Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

**Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required: Continued from the Council Meeting of April 15, 2009.**

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Initials

Ms. Mahalick certified that public notice of this hearing had been posted as required.

**This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.**

**Confirmation of no conflict of interest or ex-parte communication.  
(ROLL CALL VOTE)**

Councilor Abrams confirmed no ex-parte communication or conflicts of interest.  
Councilor Felton confirmed no ex-parte communication or conflicts of interest.  
Mayor Stearley confirmed no ex-parte communication or conflicts of interest.  
Councilor Hill confirmed no ex-parte communication or conflicts of interest.  
Councilor Simmons confirmed no ex-parte communication or conflicts of interest.  
At this time Mr. Rael swore in all parties to testify.

G. Request to zone 208 acres located between Venus and Hill Ranch Road.  
Section 7, T10N,R7E, N.M.P.M. as Rural Residential.

Ms. Mahalick reviewed this item for the council and stated that the applicant was not present.

The Council discussed the contents included with the application and whether to table this item.

Mr. Rael requested the Council to table this issue to a later meeting.

**MOTION:** Councilor Hill made a motion to table this item.  
Councilor Abrams seconded the motion.

A question was heard from the audience regarding public notice and whether or not a certified letter would be sent out with the new date of the hearing.

Ms. Mahalick stated that another certified letter would be sent out.

Councilor Abrams requested that Councilor Hill amend his motion to include the word indefinitely.

**MOTION:** Councilor Hill amended his motion to state that this item be tabled indefinitely to allow for legal review. Councilor Abrams seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye.  
Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

Mayor Stearley stated that the Public Hearing was over.

**12. COMMUNITY DEVELOPMENT REPORT.**

H. Request to Organize a Committee to Review and Revise the Grading & Drainage Ordinance.

Ms. Mahalick reviewed this item for the Council and asked for approval for the Mayor to bring forward a recommendation and she would write a scope of work and identify the members.

Councilor Abrams requested that staff bring this forward at the next meeting in the form of a Resolution for Councils approval.

I. Approval for Land Acquisition.

Ms. Mahalick reviewed this item for the Council and asked Mr. Rael to address this item.

Mr. Rael reviewed his findings regarding the appraisal of the property and water rights. He asked for approval to move forward and would notify Ms. Mahalick and if a different agreement is needed

**MOTION:** Councilor Hill made a motion to approve acquisition of this real estate property as identified in the real estate sales agreement before Council contingent upon clarification of whether water rights were considered in the appraisal and if they were this will not move forward.

Councilor Simmons stated if the water rights were considered, they would need to be quantified as well. She also asked about the total amount of land and requested an end date to the contract.

Mr. Rael stated that he would need Councilor Hill to amend his motion to include the end date.

**MOTION:** Councilor Hill amended his motion to include an end date as requested. Councilor seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

J. Consideration of Acceptance of Sewer System Facilities.

Mayor Stearley reviewed this item for the Council and asked Ms. Lori Harris to present this to the Council.

Ms. Lori Harris stated that she was a partner and the project manager for Liberty Development. She discussed the Lift Station at the corner just east of the Smiths Grocery store.

Mayor Stearley stated that he was in support of this Lift Station.

Ms. Mahalick stated a development agreement that met the Town of Edgewood's specifications for current lines would need to BE drawn up. Councilor Hill authorized staff to continue to work with Liberty Development and come back to Council with something formal. Councilor Felton asked about the study that the letter refers to. Ms. Harris responded stating that the engineers were communicating with each other. Councilor Simmons asked if the lift system would then be turned over to the Town upon completion. Ms. Harris stated that they would build it and then turn it over to the Town.

**13. APPROVAL OF PREVIOUS MINUTES.**

K. Regular Council Meeting Minutes of April 15, 2009.

**MOTION:** Councilor Simmons made a motion to approve the Regular Council Meeting Minutes of April 15, 2009. Councilor Felton seconded the motion.

**VOTE:** Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

**14. ACKNOWLEDGE RECEIPT OF THE PLANNING & ZONING COMMISSION MEETING MINUTES.**

L. Planning & Zoning Commission Meeting Minutes of April 20, 2009.

**MOTION:** Councilor Felton made a motion to acknowledge receipt of the Planning & Zoning Meeting Minutes of April 20, 2009. Councilor Abrams seconded the motion.

**VOTE:** Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

**15. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.**

M. Budget Preparation Meeting – May 13, 2009 @ 2:00 P.M.

N. Regular Council Meeting – May 20, 2009 @ 6:30 P.M.

O. Regular Council Meeting – June 3, 2009 @ 6:30 P.M.

P. Regular Council Meeting – June 17, 2009 @ 6:30 P.M.

Note: The Town Hall Offices will be closed May 25, 2009 in observance of Memorial Day.



**16. ADJOURN.**

**MOTION:** Councilor Simmons made a motion to adjourn the meeting.

**VOTE:** All councilor voted aye. The motion carried.

Mayor Stearley adjourned the meeting at 9:11 P.M.

**PASSED, APPROVED AND ADOPTED this 20th day of May, 2009.**

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Honorable Robert Stearley, Mayor

**ATTEST:**

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Estefanie B. Muller, Clerk-Treasurer